

SENATE CHAMBER,
AUSTIN, TEXAS, March 19, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the Rev. Mr. Lovejoy.

A message was received from the House informing the Senate that the House had passed a concurrent resolution authorizing the employment of competent accountants by the Committee on Comptroller's and Treasurer's Offices.

Also, House bill No. 436, "An act for the relief of the Eastern Texas Railroad Company."

On motion of Senator Sayers, the rule was suspended, and House bill No. 436, just reported, was taken up and read first, second and third times, under a suspension of the rules, and passed by a two-third vote, as follows:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Finlay, Fountain, Franks, Gaines, Henry, King, Latimer, Rawson, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Word and Mr. President—23.

Senator Cole moved to reconsider the vote just taken.

On motion of Senator Broughton, the motion to reconsider was laid on the table.

Senator Shelley, chairman of the Committee on Finance, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Finance, to whom was referred the communication of the Comptroller in relation to the distribution of tax rolls and forms for the assessment of taxes for the present year, have considered the same, and instruct me to report the accompanying bill, and recommend its passage.

N. G. SHELLEY, Chairman.

Senator Swift, chairman of the Committee on Claims and Accounts, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Claims and Accounts, to whom was referred Senate bill No. 180, "An act making an appropriation to pay the assignees and heirs of W. A. Smith, deceased, for services rendered the State," have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

W. H. SWIFT, Chairman.

Senator Latimer, chairman of the Committee on Roads, Bridges and Ferries, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 259, "An act to authorize and empower the County Courts of Grimes and Washington counties to aid in the construction of a bridge across the Brazos river, at the town of Washington, Washington county, Texas," having considered the same, do hereby report it back, with the recommendation that it pass.

H. R. LATIMER, Chairman.

Senator Cole, chairman of the Committee on Private Land Claims, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Private Land Claims, to whom was referred Senate bill No. 101, to be entitled "An act for the relief of the heirs Daniel Donoho, deceased," having had the same under consideration, instruct me to report the same back and recommend its passage.

D. W. COLE, Chairman.

Senator King, chairman of the select committee, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your select committee to whom was referred Senate bill No. 29, have had the same under consideration, and instruct me to report it back and recommend the passage of House bill No. 35, with the accompanying amendments, as a substitute therefor.

HENRY C. KING,

Chairman Senate Committee.

Senator Finlay, chairman of the Committee on State Affairs, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 143, to be entitled "An act to incorporate the Teutonia Association of Fayette County," having carefully considered the same, I am instructed to report it back to the Senate, and recommend its passage.

GEO. P. FINLAY, Chairman *pro tem*.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 194, to be entitled "An act to incorporate Concrete College," have carefully considered

the same, and I am instructed to report it back to the Senate, and recommend its passage.

GEO. P. FINLAY, Chairman *pro tem*.

Senator Saylor introduced a bill to be entitled "An act to amend an act incorporating the Houston and San Jacinto Canal and Navigation Company, approved August 13, 1870." Read first time, and referred to the Committee on Internal Improvements.

Senator Word presented a memorial from the citizens of Anderson county, praying the passage of a law regulating the tariffs of freight and passengers on railroads. Read and referred to the committee on Internal Improvements.

Senator King, presented a petition from the citizens of Bexar county, against detaching a part of Bexar county and adding it to Medina. Read and referred to the Committee on Counties and County Boundaries.

Senator Shelley presented a petition from the citizens of Salado and vicinity, praying the Legislature to incorporate the Christian College at Salado. Read and referred to the Committee on Education.

Senator King offered the following resolution, which was adopted:

Resolved by the Senate, That William Neal Ramey, clerk of the committee for the investigation of the charges against T. C. Barden, be required to aid in the enrolling department, when not employed on his duties as committee clerk.

Senator Evans introduced a joint resolution to appoint the commissioners to examine and report the most eligible site for the permanent establishment of the Agricultural and Mechanical College of Texas. Read first time and referred to the Committee on Education.

Senator Henry introduced a bill entitled "An act to amend section two of an act concerning divorce and alimony, approved January 6, 1841." Read first time and referred to Judiciary Committee No. 1.

Also, a bill entitled "An act to amend section three of an act entitled an act supplementary to an act to provide for the payment of the public debt of the State of Texas, approved November 13, 1871." Read first time and referred to the Committee on Finance.

Senator Dohoney introduced the following resolution:
Resolved, That from and after to-day the Senate shall

hold evening sessions, meeting at 7½ o'clock P. M. of each day, for the consideration of private acts and special legislation.

Senator Fountain moved to lay the resolution on the table, which was lost by the following vote :

Yeas—Senators Baker, Ford, Fountain, Franks, Gaines, Hall, Rawson, Randle, Ruby, Saylor and Tendick—11.

Nays—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Henry, King, Latimer, Sayers, Shelley, Swift, Word and Mr. President—15.

Senator Gaines proposed to amend as follows : Amend by inserting, "And that the Governor be and he is hereby required to place guards in the capitol grounds."

The amendment was lost by the following vote :

Yeas—Senators Baker, Broughton, Ford, Fountain, Gaines, Hall, Rawson, Ruby and Tracy—9.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Franks, Henry, King, Latimer, Saylor, Shelley, Swift, Tendick, Word and Mr. President—16.

Senator Fountain moved to indefinitely postpone the resolution.

The following message was received from his Excellency the Governor, which was read and referred to the Committee on Finance :

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, March 18, 1873. (

Hon. E. B. Pickett, President of the Senate :

SIR: I have the honor to return to the Senate, where it originated, the joint resolution entitled "Joint resolution authorizing the Governor to adjust the matter of difference of the hypothecation of certain bonds with Williams & Guion, in the city of New York."

This resolution concedes facts in relation to the authority of Williams & Guion to sell, which do not exist, according to my understanding of the agreement with them.

It is also objectionable in respect to the clause forbidding the Governor to sell any bonds issued, which makes it practically impossible to get the means for paying off Williams & Guion. I understand that this provision was inadvertently embraced in the act.

I have delayed my return of this act under the impression that a substitute for it could be adopted that would avoid these complications, but I cannot hold it beyond to-day without permitting it to become a law.

I therefore now ask the Senate to reconsider their action herein.

Respectfully,

EDMUND J. DAVIS, Governor.

The hour for special order, viz., "An act to confer additional jurisdiction on the presiding justices of the peace of each county in the State," having arrived, Senator Dohoney moved to postpone the same until the pending business was disposed of. Lost.

The special order was then taken up.

Senator Franks moved to recommit the bill to Judiciary Committee No. 2. Lost.

On motion of Senator Shelley the bill was referred to the Committee on Judicial Districts.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, March 19, 1873.

To the Honorable Senate and House of Representatives of the State of Texas:

GENTLEMEN: I have the honor to inform you that on yesterday I approved the act entitled "An act to set apart one-half of the public domain for the support and maintenance of public schools."

Respectfully,

EDMUND J. DAVIS, Governor.

A message was received from the House informing the Senate that the House had passed the following bills:

House bill No. 79, "An act for the relief of the assignee of Antonio Manchaca."

House bill No. 16, "An act to amend the first section of an act entitled an act to amend the seventy-first and ninety-second sections of an act to regulate proceedings in the district courts, approved May 13, 1846."

House bill No. 149, "An act to amend an act entitled an act incorporating the Galveston Artillery Company, approved January 30, 1841."

House bill No. 203, "An act to establish a ferry across the Trinity river at Prewitt's old mill."

House bill No. 196, "An act to amend an act entitled an act to incorporate the city of Calvert in Robertson county, approved April 12, 1871."

House bill No. 142, "An act to enlarge the area of Menard county."

House bill No. 437, "An act to authorize the County Court of McLennan county to levy a special tax for the purpose of building a court house and jail, and to provide for the safe keeping and disbursement of the revenue arising therefrom."

House bill No. 287, "An act authorizing the County Court of Bosque county to levy a tax for the purpose of building a court house and jail."

House bill No. 275, "An act supplemental to and amendatory of an act entitled an act to incorporate the Odd Fellows' Hall and Building Association of Bryan, Texas, approved December 1, 1871."

House bill No. 238, "An act to authorize the levy of writs of execution, attachment and sequestration on neat cattle as they run in the range."

House bill No. 237, "An act to authorize the Governor to appoint a registrar and boards of appeal and revision in certain unorganized counties therein named."

House bill No. 224, "An act to incorporate the State Bank of Texas."

House bill No. 337, "An act for the relief of the Hon. Nat. M. Buford."

House bill No. 244, "An act to authorize the County Court of Kinney county to levy and collect a special tax for the term of six years to build a court house and jail at the county site of said county."

On motion of Senator Shelley, the rules were suspended to consider the bill reported by the Committee on Finance, viz., a bill entitled "An act making an appropriation to defray the expenses of distributing blanks for the assessment and collection of taxes for 1873."

The bill was read first time; rules suspended, read second time and ordered engrossed; rules further suspended, bill read third time and passed by the following vote:

Yeas—Senators Avinger, Broughton, Cole, Dillard, Dohoney, Ford, Finlay, Fountain, Gaines, Hall, Henry, King, Latimer, Rawson, Saylor, Sayers, Shelley, Swift, Tendick, Tracy, Word and Mr. President—22.

Nays—Senators Franks and Ruby—2.

On motion of Senator Dohoney, the rules were suspended to take up out of its order Senate bill No. 29, "An act for the relief of the old soldiers of the Republic of Texas who have not received as yet the full quantum of land to which they are entitled by virtue of the Constitu-

tion and laws of the Republic and of the State of Texas," together with the report from the select committee recommending House bill No. 35, with amendments, as a substitute for Senate bill.

Senator Finlay moved to commit the bill to Judiciary Committees Nos. 1 and 2. Carried.

Senator Ruby moved to reconsider the vote just taken. Carried.

The motion to commit was again put and carried.

A message was received from the House informing the Senate that the House had appointed Messrs. Brown of Dallas, Smith of Colorado, Armstrong, Powers and Green, a committee of conference on the disagreement between the Senate and House on House bill No. 233, "An act regulating elections."

On motion of Senator Sayers, the rules were suspended to take up out of its order House bill No. 143, "An act to incorporate the Teutonia Association of Fayette county."

The bill was read second time and passed to third reading; rules suspended, and the bill passed by the following vote:

Yeas—Senators Baker, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy, Word and Mr. President—25.

On motion of Senator Fountain the frontier bill was taken up and made special order at 11 A. M. to-morrow.

On motion of Senator Saylor, one hundred copies of Senate bill No. 135, "An act relating to paupers and minor offenders, and to establish county farms for manual labor poor houses, and houses of correction," were ordered printed.

On motion of Senator Ruby, the rules were suspended to take up House bill No. 427, "An act to authorize the Governor to settle with Williams & Guion, of New York city, for their claims against the State." The bill was read second time.

Senator Pickett moved to commit the bill to the Committee on Finance.

The motion was lost by the following vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Henry, Saylor, Sayers, Shelley and Mr. President—11.

Nays—Senators Ford, Finlay, Fountain, Franks, Gaines, Hall, King, Rawson, Randle, Ruby, Tendick and Tracy—12.

Pending the consideration of the bill, on motion of Senator Shelley, the Senate adjourned to 10 o'clock A. M. to-morrow by the following vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Hall, Henry, Saylor, Sayers, Shelley, Word and Mr. President—13.

Nays—Senators Ford, Finlay, Fountain, Franks, Gaines, King, Rawson, Ruby, Swift and Tendick—10.

SENATE CHAMBER,
AUSTIN, TEXAS, March, 20, 1873. {

Senate met pursuant to adjournment Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Avinger, the reading of the journal of yesterday was dispensed with.

On motion of Senator Latimer, Senator Baker, was granted leave of absence until next Monday.

Senator Dohoney submitted the following majority reports of Judiciary Committee No. 1.

Hon. E. B. Pickett, President of the Senate:

SIR: A majority of your Judiciary Committee No. 1, to whom was referred Senate bill No. 195, entitled "An act to regulate proceedings upon *mandamus* and *quo warranto*," after careful consideration, ask leave to report the same back, and recommend its passage.

E. L. DOHONEY,
HENRY C. KING,
A. J. FOUNTAIN,
T. J. WORD.

Hon. E. B. Pickett, President of the Senate:

SIR: After a careful consideration of House bill No. 27, entitled "An act in relation to fences in certain counties," a majority of your Judiciary Committee No. 1 have concluded to report the same back to your honorable body, and recommend its passage, with the accompanying amendments.

E. L. DOHONEY,
F. G. FRANKS,
HENRY C. KING,
A. J. FOUNTAIN.